

FINAL BILL REPORT

SHB 1089

PARTIAL VETO C 356 L 11 Synopsis as Enacted

Brief Description: Regarding instructional materials provided in a specialized format.

Sponsors: House Committee on Higher Education (originally sponsored by Representative McCoy).

House Committee on Higher Education
Senate Committee on Higher Education & Workforce Development

Background:

Upon request by a public or private institution of higher education acting on behalf of a student with a print access disability, a publisher of instructional materials must, unless technically unable, provide the institution any instructional material in an electronic format mutually agreed upon by the publisher and the institution. This includes computer files or electronic versions of printed instructional materials, video materials captioned or accompanied by transcriptions of spoken text, and audio materials accompanied by transcriptions. These must be provided in a timely manner and at no additional cost to the institution.

A request from an institution to a publisher for materials in a specialized format must be in writing and include the institution's certification that:

- the student has a print access disability preventing the student from utilizing the standard format material;
- the material is for the student's use in connection with a course in which the student is enrolled; and
- the student or the institution has purchased the material in its standard format prior to requesting the specialized format.

A publisher may require that requests for specialized format materials also include a statement signed by the student promising that the material will be used solely for the student's own purposes and that the student will not copy or duplicate the material for use by others. An institution that allows students to use specialized format instructional material must take precautions to ensure students do not copy or distribute the material in violation of federal copyright laws.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

An institutions may also arrange on its own for the transcription or translation of standard format materials and may share the specialized formats created with other students who have print access disabilities, including students at other institutions. Each institution must establish guidelines for implementation and administration of requests for, and use of, instructional materials in specialized formats.

The Americans with Disabilities Act (ADA) is a federal law whose purpose is to provide a clear and comprehensive national mandate for the elimination of discrimination against persons with disabilities.

Summary:

The Legislature finds that the knowledge, skill, and ability to succeed both academically and later in a chosen profession are accumulated through many sources, including instructional materials. Generally, an institution that provides a specialized format version of instructional material may not require that the student return the specialized format version.

There is a limited exception to this prohibition on requiring the return of the specialized format version when the institution has: (1) determined that it is not required to allow the student to retain the material under the ADA or other applicable laws; and (2) translated or transcribed the material into the specialized format at its own expense and the cost to reproduce a copy of the translation or transcription is greater than \$100.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 22, 2011

Partial Veto Summary: The Governor vetoed the intent section which found that the knowledge, skill, and ability to succeed in a chosen profession are accumulated through many sources, including instructional materials, and stated that it was the intent of the Legislature to ensure that students be permitted to retain specialized format versions of instructional materials if they so desired.